IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK G. BRADY, ESQ. (PB-6513)

CARPENTER, BENNETT & MORRISSEY Three Gateway Center 100 Mulberry Street Newark, New Jersey 07102-4079 (973) 622-7711 Attorneys for Defendant Home Depot U.S.A., Inc.

TRACEY DOWLING, : CIVIL ACTION NO. 02-CV-3181

Plaintiff,

vs. : CERTIFICATION OF PATRICK G.

BRADY, ESQ. IN SUPPORT OF

THE HOME DEPOT, : **DEFENDANT'S MOTION FOR**

SUMMARY JUDGMENT

Defendant.

I, PATRICK G. BRADY, of full age, hereby certify as follows:

- I am an attorney-at-law of the State of New Jersey and a member of the law firm of
 Carpenter, Bennett & Morrissey, attorneys for defendant Home Depot U.S.A., Inc. ("Home
 Depot") in this matter. I submit this Certification in support of Home Depot's Motion for
 Summary Judgment to dismiss plaintiff Tracey Dowling's Complaint.
- 2. Attached hereto as Exhibit 1 is a true and correct copy of the Consent Order of the Honorable William G. Bassler, U.S.D.J., dated May 2, 2002, and agreed to by the parties.

- 3. Attached hereto as Exhibit 2 is a true and correct copy of pertinent excerpts from the deposition of plaintiff Tracey Dowling taken on July 12, 2002, September 4, 2002, and October 3, 2002.
- 4. Attached hereto as Exhibit 3 is a true and correct copy of pertinent excerpts from the deposition of Kenneth Kihenjo taken on September 20, 2002.
- 5. Attached hereto as Exhibit 4 is a true and correct copy of pertinent excerpts from the deposition of Amy Booe taken on September 25, 2002.
- 6. Attached hereto as Exhibit 5 is a true and correct copy of pertinent excerpts from the deposition of Dean Drakis taken on October 8, 2002.
- 7. Attached hereto as Exhibit 6 is a true and correct copy of pertinent excerpts from the deposition of Alan Power taken on October 18, 2002.
- 8. Attached hereto as Exhibit 7 is a true and correct copy of plaintiff's Acknowledgment Form, marked as Exhibit D-22 during plaintiff's deposition.
- 9. Attached hereto as Exhibit 8 is a true and correct copy of plaintiff's Orientation Checklist, marked as Exhibit D-23 during plaintiff's deposition.
- 10. Attached hereto as Exhibit 9 is a true and correct copy of an Associate Action Notice, from Kenneth Kihenjo's personnel file, which was produced to plaintiff and identified by defendant in discovery as Bates No. HD 01631.
- 11. Attached hereto as Exhibit 10 is a true and correct copy of plaintiff's employment application to Lowe's Companies, Inc., dated September 30, 2000, which was produced during discovery.

- 12. Attached hereto as Exhibit 11 is a true and correct copy of plaintiff's Career Interest Worksheet, marked as Exhibit D-16 during plaintiff's deposition.
- 13. Attached hereto as Exhibit 12 is a true and correct copy of the job description for Inventory Specialist, marked as Exhibit D-17 during plaintiff's deposition.
- 14. Attached hereto as Exhibit 13 is a true and correct copy of plaintiff's Associate Performance Notice, dated March 8, 2001, marked as Exhibit D-18 during plaintiff's deposition.
- 15. Attached hereto as Exhibit 14 is a true and correct copy of plaintiff's letter to David Hurley, dated March 19, 2001, marked as Exhibit D-19 during plaintiff's deposition.
- 16. Attached hereto as Exhibit 15 is a true and correct copy of a 3-page letter from Lowe's to plaintiff, dated March 5, 2001, marked as Exhibit D-21 during plaintiff's deposition.
- 17. Attached hereto as Exhibit 16 is a true and correct copy of David Hurley's letter to plaintiff documenting their March 21, 2001 telephone conversation, and an Associate Action Notice reflecting plaintiff's resignation, which were marked as Exhibit D-20 during plaintiff's deposition.
- 18. Attached hereto as Exhibit 17 is a true and correct copy of plaintiff's Associate Performance

 Notice, dated August 30, 1999, marked as Exhibit D-10 during plaintiff's deposition.
- 19. Attached hereto as Exhibit 18 is a true and correct copy of plaintiff's Loss Prevention Supervisor Performance Review by Dean Drakis, dated October 19, 1999, marked as Exhibit D-30 during plaintiff's deposition.
- 20. Attached hereto as Exhibit 19 is a true and correct copy of plaintiff's Mid-Year Loss Performance Review by Gregg Smith, dated October 6, 1998, marked as Exhibit D-27 during plaintiff's deposition.

- 21. Attached hereto as Exhibit 20 is a true and correct copy of plaintiff's Loss Prevention Supervisor Performance Review by Gregg Smith, dated March 1999, marked as Exhibit D-29B during plaintiff's deposition.
- 22. Attached hereto as Exhibit 21 is a true and correct copy of plaintiff's Performance Management Review, dated February 4, 2000, marked as Exhibit D-31 during plaintiff's deposition.
- 23. Attached hereto as Exhibit 22 is a true and correct copy of plaintiff's Associate Performance Notice, dated March 8, 2000, marked as Exhibit D-32 during plaintiff's deposition.
- 24. Attached hereto as Exhibit 23 is a true and correct copy of plaintiff's Loss Prevention Supervisor Performance Review by Dean Drakis, dated March 29, 2000, marked as Exhibit D-33 during plaintiff's deposition.
- 25. Attached hereto as Exhibit 24 is a true and correct copy of plaintiff's Game Plan/Expectations, marked as Exhibit D-34 during plaintiff's deposition.
- 26. Attached hereto as Exhibit 25 is a true and correct copy of plaintiff's Associate Performance Notice, dated July 18, 2000, marked as Exhibit D-35 during plaintiff's deposition.

I certify under penalty of perjury that the foregoing is true and correct. Executed on this 7th day of November, 2002.

PATRICK G. BRADY	